

REMARKS

1. In response to the Office Action mailed August 28, 2007, Applicants respectfully request reconsideration. Claims 96-148 were last presented in the application. In the outstanding Office Action, claims 96-114, 117, 120-137 and 140 are allowed. Claims 143-148 are rejected. Claims 118, 119, 141 and 142 are objected to. By the foregoing Amendment, claim 143 has been amended and no claims have been cancelled or added. Thus, upon entry of this paper, claims 96-114, 117-137 and 140-148 will be pending in this application. Of these forty-nine (49) claims, three (3) claims (claims 96, 120 and 143) are independent.
2. Based on the above Amendments and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

Allowable Subject Matter

3. Applicants thank the Examiner for indicating that claims 96-114, 117, 120-137 and 140 are allowable.
4. Applicants further thank the Examiner for indicating that claims 118, 119, 141 and 142 would be allowable if rewritten to depend from currently pending claims. Applicants have amended claims 118 and 119 so that they now depend from claim 96. Applicants have also amended claims 141 and 142 so that they now depend from claim 120.

Claim Objections

5. The Examiner has objected to claims 118, 119, 141 and 142 because they depend from cancelled claims. As noted above, Applications have amended claims 118, 119, 141 and 142 to depend from pending claims. Specifically, claims 118 and 119 now depend from claim 96, while claims 141 and 142 now depend from claim 120. Therefore, Applicants respectfully request that the objections to claims 118, 119, 141 and 142 be withdrawn.

Examiner Interview

6. Applicants thank the Examiner for the courtesies extended to Applicants' undersigned representative in the telephonic interviews which took place on December 11, 2007 during which

the Examiner and Applicants' representative discussed proposed claim amendments to claim 143. During the Interview the Examiner indicated that if Applicants amended claim 143 to include a method step of stimulating the cochlear with an actuator arrangement, then the Examiner would be likely to allow claim 143. The Examiner indicated that such an amendment would likely make claim 143 allowable over the art of record because similar amendments had previously been made to claims 96 and 120, and the Examiner accepted that such amendments made claims 96 and 120 patentable over the art of record. As such, Applicants have amended claim 143 as discussed during the Examiner interview. Applicants respectfully submit that independent claim 143, and dependent claims 144-148 are now in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

7. Without addressing the propriety of the rejections, Applicants have amended claim 143 to place it in condition for allowance. Specifically, claim 143 has been amended to recite, in part, "stimulating one or more hearing structures of a recipient based on said artificial speech signal ***with an actuator arrangement comprising a flexible carrier member configured to be implanted in the cochlea of the recipient, and an array of actuators mounted in said flexible carrier member configured to stimulate the cochlea.***" (Emphasis added). In light of the above-referenced Examiner Interview, Applicants respectfully assert that amended claim 143 is now patentable over the art of record. Allowance is respectfully requested.

Dependent claims

8. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

Conclusion

9. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

10. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Thus, cancellations and amendments of above claims, are not to be construed as an admission regarding the patentability of any claims.

Dated: December 21, 2007

Respectfully submitted,

By /Michael G. Verga/

Michael G. Verga

Registration No.: 39,410
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicants